

**Reproduced below are comments (C) received through June 20, 2005 on the Draft Elements of Virginia's Solid Waste Management Program, each followed by the Department of Environmental Quality's response:**

C1: The document is somewhat lengthy. Could the document be made more concise?

R1: A table of contents has been added to the final document to make it easier for the reader to find each of the sections. For those interested in a more brief explanation of Virginia's Solid Waste Management Program, a shorter brochure is available, entitled: Virginia's Solid Waste Management Program (see <http://www.deq.virginia.gov/info/factsheets.html>).

C2: The use of the term "plan" at various points in the document is confusing.

R2: We agree and have changed the document to remove reference to the 1979 draft plan as the "first" plan and have incorporated clarifying text in Chapter 5 about the proposed adoption of an updated 1979 plan. As noted in the "Background" section of Chapter 1, the EPA never formally approved the 1979 plan under Subtitle D of RCRA. Therefore, an approved state solid waste plan is not in force in Virginia. Instead, as discussed in the introduction, solid waste planning is coordinated under existing legal requirements for solid waste management and official documents.

C3: Why are "reuse" and "recovery" underlined in Chapter 2?

R3: Underlining in the document indicates that another document or website is linked to the main document through a hyperlink and can be referenced with a cursor click. Underlining is not intended to communicate any other emphasis.

C4: Why are reclamation and resource recovery included in the waste management hierarchy in the third paragraph under Chapter 2?

R4: The Waste Management Board has included reclamation and resource recovery in the policy in both 9 VAC 20-80-30 and 9 VAC 20-130-30.

C5: Two typographical errors were noted: Please omit "of" in the next to last sentence of the first paragraph under "EPA Approval of the Solid Waste Program," and please omit "it" in the sixth line of the second paragraph under "Chapter 5: Planning for Future and Implementation."

R5: We agree. Both have been deleted from the final document.

C6: How and who decides “whether the additional waste capacity is needed” in the third paragraph under “Permits” in Chapter 3?

R6: The regulation listed in footnote 8 explains the procedure for the needs determination. Additionally we agree that the original text was unclear about this determination, so the text in the final document has been revised to provide further clarification.

C7: The text in Chapter 5 should emphasize incorporation of the upper levels of the waste management hierarchy. The ten year permit review process should be strengthened to include the ability to revoke a permit.

R7: We agree that the upper levels of the waste management hierarchy should be emphasized and have incorporated this change in the text. DEQ already has the authority to revoke or amend permits in response to the findings in the ten year permit review (Va. Code § 10.1-1408.1 E; 9 VAC 20-80-600), so the text has been clarified accordingly.

C8: DEQ should update the 1979 State Solid Waste Plan (see Chapter 5, paragraph 3).

R8: Currently state statute directs localities or regions to submit comprehensive solid waste management plans to DEQ. These plans focus on the management of waste in these areas and include recycling goals and management practices for wastes in these areas. This document “Elements of Virginia’s Solid Waste Management Program” summarizes the multiple elements of the solid waste program, describes how elements are intertwined within the solid waste management program, consolidates this information in one location, and provides links to more details on individual elements. Solid waste planning is directed and coordinated in accordance with a suite of legal requirements and official documents under a blend of state, regional, and local planning authorities and responsibilities, all of which are referenced in this document. In this document, DEQ has established goals and objectives for solid waste over approximately the next twenty years.

C9: DEQ staff should brainstorm with public groups to secure Board support for waste/recycling legislation and funding. Localities could be encouraged to participate in state-wide goals.

R9: DEQ agrees with the commenter’s approach and notes that with current resources, we are employing this very approach to encourage community involvement in the process. DEQ pursues citizen outreach programs and an efficiency peer review team with waste facilities and with local government representatives. In addition, DEQ has been meeting with a solid waste citizen’s advisory group since December 2004.

C10: DEQ should include a goal of reducing the amount of mercury in Virginia's environment over the next year. Among suggested approaches were a ban on the sale of mercury products, the removal of mercury switches from old junked cars, and free computer take-back programs.

R10: DEQ agrees that mercury in Virginia's environment is a critical issue and we are moving ahead on this issue. DEQ's Air Division has issued a Notice of Intended Regulatory Action on the Clean Air Mercury Rule. The regulation will target reductions of mercury emissions into the environment. DEQ is also involved in the H2E program (Hospitals for a Healthy Environment), which encourages the phase out of mercury in hospital equipment. A pilot program to remove mercury switches from automobiles is also being conducted in Virginia. DEQ is providing grants on mercury research as part of EPA's Region III E-cycling program. Additional information about DEQ's mercury reduction initiatives can be found on DEQ's website : <http://www.deq.virginia.gov/p2/mercury/homepage.html>.